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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/725,583      | 12/03/2003  | Eric McConnell       | 005216.00030        | 3443             |

30754 7590 10/17/2008  
CARGILL, INC.  
15407 MCGINTY ROAD WEST  
WAYZATA, MN 55391-2399

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| EXAMINER |
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NELSON, FREDA ANN

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| ART UNIT | PAPER NUMBER |
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3628

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10/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/725,583 | <b>Applicant(s)</b><br>MCCONNELL ET AL. |  |
|                              | <b>Examiner</b><br>FREDA A. NELSON   | <b>Art Unit</b><br>3628                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8-12,14-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 5-8 and 15-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The amendment received on September 25, 2008 is acknowledged and entered.

Claims 1 and 11 have been amended. Claims 3, 7, 13 and 17 have been canceled.

No claims have been added. Claims 1-2, 4-6, 8-12, 14-16 and 18-21 are currently pending.

### ***Response to Amendments and Arguments***

Applicant's arguments with respect to claims 1 and 11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

1. The indicated allowability of claim 21 is withdrawn in view of the newly discovered reference(s) to Niki et al. (US PG Pub. 2001/0037257). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**2. Claims 1-2, 9-12, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alfred et al. (US PG Pub. 2003/0187808), in view of Niki et al. (US PG Pub. 2001/0037257).**

As per claim 1, Alfred et al. disclose a computer system, comprising:

a processor (FIG. 1); and

a memory for storing computer readable instructions that, when executed by said processor, cause the computer to perform the steps of (FIG 1) :  
receiving a set of data corresponding to a set of predetermined variables (paragraph [0014]);

determining a difference in cost between products, and generating a cost differential report according to the estimated total cost for each product (paragraph [0016], [0109]); and

displaying the report (paragraph [0016]).

Alfred et al. does not expressly disclose using the set of data corresponding to the set of predetermined variables, and wherein the total cost estimate is based on determining a total material cost for one or more products.

However, the Examiner takes Official Notice that it is old and well-known in the business arts to include the cost of materials in the total cost of products to determine the appropriate sale price for the seller to make a profit. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the cost of materials in order to optimize profits.

Alfred et al. does not further expressly disclose the step of displaying the report further comprises .generating a .graphical representation of costs and savings for each product.

However, Niki et al. (US PG Pub. 2001/0037257) disclose referring first to FIG. 11, an example of UI displayed on the personal computer of a purchaser (the leader of the bulk purchase group) upon "accessing to discount information" in FIG. 2 will be described ([0138]); and referring next to FIG. 12, an example of UI displayed on the personal computer of a purchaser (the leader of the bulk purchase group) upon "obtaining of discount information" in FIG. 2 will be described [0141]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the invention of Niki et al. in order to display savings or discounts to customers.

As per claim 2, Alfred et al. disclose the computer system of claim 1, wherein the step of receiving a set of data corresponding to a set of predetermined variables further comprises: receiving the set of data from the user through portions of a user interface configurable for user input (paragraph [0017]).

As per claim 9, Alfred et al. disclose the computer system of claim 1, wherein the step of displaying the cost and savings calculations further comprises: prompting the user with an option to purchase the product (paragraph [0108]).

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As per claim 10, Alfred et al. disclose the computer system of claim 1, wherein the step of displaying the cost and savings calculations further comprises: displaying sales contact information (paragraph [0108]).

As per claims 11 and 21, Alfred et al. disclose a computer system, comprising:  
a processor (FIG. 1) ; and  
a memory for storing computer readable instructions that, when executed by said processor, cause the computer to perform the steps of (FIG 1) :  
receiving a set of data corresponding to a set of predetermined variables (paragraph [0014]);

determining a difference in cost, and generating a cost differential report according to the estimated total cost for each product (paragraph [0016]); and  
displaying the report (paragraph [0016]).

Alfred et al. does not further expressly disclose the step of displaying the report further comprises .generating a .graphical representation of costs and savings for each product.

However, Niki et al. (US PG Pub. 2001/0037257) disclose referring first to FIG. 11, an example of UI displayed on the personal computer of a purchaser (the leader of the bulk purchase group) upon "accessing to discount information" in FIG. 2 will be described ([0138]); and referring next to FIG. 12, an example of UI displayed on the personal computer of a purchaser (the leader of the bulk purchase group) upon "obtaining of discount information" in FIG. 2 will be described [0141]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Alfred et al. to include the invention of Niki et al. in order to display savings or discounts to customers.

As per claim 12, Alfred et al. disclose the computer readable medium of claim 11, wherein the step of receiving a set of data corresponding to a set of predetermined variables further comprises:

receiving the set of data from the user through portions of a user interface configurable for user input (paragraph [0017]).

As per claim 19, Alfred et al. disclose the computer-readable medium according to claim 11, wherein the computer-executable instructions for performing the step of displaying the cost and savings calculations further comprises: prompting the user with an option to purchase the product (paragraph [0108]).

As per claim 20, Alfred et al. disclose the computer-readable medium according to claim 11, wherein the computer-executable instructions for performing the step of displaying the cost and savings calculations further comprises: displaying sales contact information (paragraph [0108]).

***Allowable Subject Matter***

3. Claims 5-8 and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Examiner's Note***

4. Examiner cited particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday -Wednesday and Friday, 10:00 AM -6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. A. N./  
Examiner, Art Unit 3628

/JOHN W HAYES/

Supervisory Patent Examiner, Art Unit 3628